

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA

Plaintiff,

vs.

**DURAN LOPEZ CONSTRUCTION, LLC
C/O JOSE ALBERTO DURAN LOPEZ
450 E. COLUMBUS STREET
PICKERINGTON, OH 43147**

Defendant.

Case No:

Judge:

COMPLAINT

NOW COMES Plaintiff, the United States of America, by and through undersigned counsel, hereby sets forth its Complaint against the Defendant and states as follows:

I. JURISDICTION AND VENUE

1. This action to collect an indebtedness is brought by the United States of America on behalf of the Department of Labor pursuant to Title 28, United States Code, §1345 and Title 28, United States Code, §3001.
2. Following an inspection of Defendant Duran Lopez Construction, LLC's operations, the Department of Labor determined that Defendant violated the Occupational Safety and Health Act of 1970, codified in 29 CFR 1926, *et seq.* The due and owing debt resulting from these violations was referred to the United States Department of Justice via the United States Department of Treasury for enforced collection.

3. Defendant, Duran Lopez Construction, LLC is an active Ohio limited liability company located within the jurisdiction of this Court and may be served process through its statutory agent as set forth on the Ohio Secretary of State's database as follows:

Duran Lopez Construction, LLC
c/o Jose Alberto Duran Lopez
450 E. Columbus Street
Pickerington, OH 43147

II. COUNT ONE- ACTION FOR ENFORCEMENT OF CIVIL PENALTY

4. Paragraphs 1-3 of the Complaint are hereby realleged as if fully rewritten herein.
5. On or about February 11, 2021, the Department of Labor issued a Citation and Notification of Penalty following its investigation of Defendant's operations. Citations were issued for a total of \$16,091.00 (hereinafter 'Citation'). A true and accurate copy of the Citation and Notification of Penalty is attached herein as **Exhibit A**.
6. Defendant failed to submit payment of the penalties subject to the Citation. On or around March 9, 2022, the Department of Labor submitted a demand letter to Defendant. Defendant did not respond. A true and accurate copy of the Demand Letter is attached herein as **Exhibit B**.
7. Statutory interest, penalties, and costs have been accessed and applied to the principal balance due in accordance with 31 U.S.C. §3717. *See 31 U.S.C. §3717*. Following the

application of a partial payment, the balance due and owing on the account as of May 13, 2025 totals \$23,318.82. A true and accurate copy of the Certificate of Indebtedness is attached herein as **Exhibit C**. The debt is due and owing as follows:

- a. Principal: \$14,497.29
- b. Statutory Interest (at 1.00%): \$376.93
- c. Statutory Penalty (at 6.00%): \$2,261.58
- d. Statutory Admin Fees: \$6,183.02
- e. **TOTAL: \$23,318.82**

8. Demand has been made upon the Defendant for payment of the indebtedness, and the Defendant has neglected and refused to pay the same.

WHEREFORE, Plaintiff, the United States of America, on behalf of the Department of Labor, respectfully prays for relief as follows:

- a. For judgment in favor of the United States of America and against Defendant Duran Lopez Construction, LLC for the sum of \$23,318.82, plus statutory interest and penalty that continues to accrue from May 13, 2025;
- b. An amount equal to the filing fee prescribed in 28 U.S.C. §1914 (a) pursuant to 28 U.S.C. §2412 (a) (2);
- c. Any additional attorney's fees and costs incurred in this action; and
- d. For such other relief as the Court deems just and proper

Date: March 28, 2025

Respectfully submitted,

/s/ Thomas L. Sooy, Esq.

Thomas L. Sooy, Esq. (0087865)
The Law Offices of Robert A. Schuerger Co., LPA
Private Counsel, United States Department of Justice
1001 Kingsmill Parkway
Columbus, OH 43229
PH: 614-674-6902
Thomas.sooy@usdoj.gov
efiling@schuergerlaw.com
Attorney for Plaintiff

EXHIBIT A

U.S. Department of Labor

Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215



Citation and Notification of Penalty

To:

Duran Lopez Construction LLC
and its successors
450 E. Columbus Street
Pickerington, OH 43147

Inspection Number: 1514676

Inspection Date(s): 02/11/2021 - 02/11/2021

Issuance Date: 07/27/2021

Inspection Site:

1733 Bellmeadow Drive, Building 13
Lancaster, OH 43130

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (614) 469-5582. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/27/2021. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1514676

Company Name: Duran Lopez Construction LLC

Inspection Site: 1733 Bellmeadow Drive, Building 13, Lancaster, OH 43130

Issuance Date: 07/27/2021

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 200 N. High Street, Room 620, Columbus, OH 43215.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1514676
Inspection Date(s): 02/11/2021 - 02/11/2021
Issuance Date: 07/27/2021



Citation and Notification of Penalty

Company Name: Duran Lopez Construction LLC
Inspection Site: 1733 Bellmeadow Drive, Building 13, Lancaster, OH 43130

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.102(a)(1):The employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

a. On or about February 11, 2021, located at 1733 Bellmeadow Drive, Building 13, in Lancaster, Ohio, employees were operating pneumatic nail guns without eye protection, thereby exposing the employees to a struck-by hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3,218.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1514676
Inspection Date(s): 02/11/2021 - 02/11/2021
Issuance Date: 07/27/2021



Citation and Notification of Penalty

Company Name: Duran Lopez Construction LLC
Inspection Site: 1733 Bellmeadow Drive, Building 13, Lancaster, OH 43130

Citation 2 Item 1 Type of Violation: **Repeat - Serious**

29 CFR 1926.501(b)(13): "Residential construction." Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure. Exception: When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of paragraph (k) of 1926.502.

a. On or about February 11, 2021, located at 1733 Bellmeadow Drive, Building 13, in Lancaster, Ohio, employees were installing trusses from the top of the second floor apartment building walls. The employees were not protected from falls, thereby exposing the employees to a 10 foot fall hazard.

Duran Lopez Construction, LLC. was previously cited for a repeat violation of this Occupational Safety and Health standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1416365, citation number 2, item number 1 and was affirmed as a final order on October 30, 2019 with respect to a workplace located at 3986 Parkmead, Building 3, Grove City, Ohio 43123.

Duran Lopez Construction, LLC. was previously cited for a repeat violation of this Occupational Safety and Health standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1270529, citation number 2, item number 1 and was affirmed as a final order on December 13, 2017 with respect to a workplace located at 201 Courtright East Road Pickerington, Ohio 43147.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

August 06, 2021
\$12,873.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Larry M. Johnson
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215



INVOICE / DEBT COLLECTION NOTICE

Company Name: Duran Lopez Construction LLC
Inspection Site: 1733 Bellmeadow Drive, Building 13, Lancaster, OH 43130
Issuance Date: 07/27/2021

Summary of Penalties for Inspection Number: 1514676

Citation 1 Item 1, Serious	\$3,218.00
Citation 2 Item 1, Repeat - Serious	\$12,873.00

TOTAL PROPOSED PENALTIES:	\$16,091.00
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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of

Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Larry M. Johnson

Area Director

Date

EXHIBIT B

DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
P.O. BOX 830794
BIRMINGHAM, AL 35283-0794



March 9, 2022



Duran Lopez Construction LLC
450 E. Columbus Street
PICKERINGTON OH 43147

Our records indicate that you owe the U.S. Government \$19,574.97

The OSHA, Occupational Safety and Health Admin, referred your unpaid debt to the U.S. Department of the Treasury, Bureau of the Fiscal Service, for immediate collection. You must immediately pay your debt to stop collection action and prevent the addition of more interest, penalties and administrative costs.

Treasury Case Number: L37835166

Agency Debt Number: 1514676A941858

How Do I Pay My Debt?

Pay Online: Visit www.pay.gov/paygov/paymydebt and follow the instructions to pay via debit card, ACH payment, PayPal or by downloading the DMS Debt Pay app and following the instructions.

Pay By Phone: Call (888) 826-3127 and provide our agent your debit card information. You may also discuss payment options with representatives at this number if you are unable to satisfy the debt immediately. Hearing impaired persons may use the Federal Relay Service by dialing (800) 877-8339 to reach a Communications Assistant.

Pay By Mail: Mail your payment and completed payment coupon to the address below. If you pay by check, include the Treasury Case Number L37835166 in the memo section of your check. When you provide a check as payment, you authorize us to use the information from your check to make a one-time electronic funds transfer from your account or process your payment as a check transaction.

What If I Do Not Pay My Debt?

As allowed by federal law, we may withhold some or all monies from your tax refunds and other federal and state payments. We may garnish your wages, refer your unpaid debt to a collection agency and report your debt to the credit bureaus, which could hurt your credit score. You will find further information online at www.fiscal.treasury.gov/dms. If you wish to send us written correspondence other than payments, please address it to: U.S. Department of the Treasury, P.O. Box 830794, Birmingham, AL 35283-0794. **DO NOT** send payments to this address.

DSBDL 003 fdv1

Detach Here

0000000281L37835166 DL 0002818002 108

PAYMENT COUPON

*Includes applicable interest, administrative costs and penalties.

Name of Debtor: Duran Lopez Construction LLC
Treasury Case Number: L37835166

*Amount Due: \$19,574.97

Send your payment to:

U.S. Department of the Treasury
P.O. Box 979101
St. Louis, MO 63197-9000

METHOD OF PAYMENT

Pay online at www.pay.gov/pay.gov/paymydebt or select:

☐ Check ☐ Money Order Amount Enclosed \$ _____

☐ Debit Card Account Number: _____
(We do not accept Credit Card)

Expiration Date: _____ Authorized Amount: _____

Authorized Signature: _____

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EXHIBIT C



U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (DOL/OSHA)
CERTIFICATE OF INDEBTEDNESS

Duran Lopez Construction LLC
450 E. Columbus Street
Pickerington, OH 43147
EIN [REDACTED]

TRFM14599600

I hereby certify, as part of my duties with the U.S. Department of the Treasury, Bureau of the Fiscal Service, Disbursement and Debt Management (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Department of Labor, Occupational Safety & Health Administration (DOL/OSHA) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the debt owed by Duran Lopez Construction LLC., (DEBTOR) to DOL/ OSHA.

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of DOL/OSHA based on his/her knowledge at or near the time the events were recorded, including the review of Occupational Safety and Health Administration (OSHA) violations, or by an employee or contractor of Treasury based on his/her knowledge at or near the time the events were recorded, including the review of OSHA violations. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from DOL/OSHA.

Upon completion of an investigation covering the DEBTOR's operations on February 11, 2021, DOL/OSHA issued a Citation and Notice of Penalty against the DEBTOR in the amount of \$16,091.00 with an annual interest rate of 1.00% and an annual penalty rate of 6.00%. According to DOL/OSHA historical records, the debt became delinquent on October 3, 2021 in the amount of \$14,596.97. DOL/OSHA referred the delinquent debt to Treasury for collection on March 8, 2022. After the debt was referred to Treasury, one (1) payment was received, which reduced the principal amount owed to \$14,497.29.

On July 12, 2024, Treasury referred the debt to DOJ for litigation and collection with a principal amount due of \$14,497.29, daily interest of \$0.40, & a daily penalty of \$2.38. As of May 13, 2025, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 14,497.29
Interest(@1.00%):	\$ 376.93
Penalty (@6.00%):	\$ 2,261.58
Admin Fees:	\$ 6,183.02
Total:	\$ 23,318.82



U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (DOL/OSHA)
CERTIFICATE OF INDEBTEDNESS

The balance stated in the debt listed above is current as of May 13, 2025, including any applicable interest, penalties, administrative fees, and Treasury & DOJ fees pursuant to 31 U.S.C. §§ 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. § 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by DOL/OSHA and information contained in Treasury's records.

5/13/2025

X *Ashleigh Edmonds*

Signed by: Bureau of the Fiscal Service

Ashleigh Edmonds
Financial Program Specialist
U.S. Department of the Treasury
Bureau of the Fiscal Service
Date: May 13, 2025